

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVNET, INC.,

Plaintiff,

vs.

AVANA TECHNOLOGIES INC.,

Defendant.

Case No.: 2:13-cv-00929-GMN-PAL

ORDER

Pending before the Court is the Report and Recommendation of United States Magistrate Judge Peggy A. Leen, (ECF No. 29), which recommends that Plaintiff Avnet Inc.'s Motion for Final Judgment and Permanent Injunction by Default (ECF No. 25) be **GRANTED in part** and **DENIED in part**.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1–4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3–2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3–2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all ... of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objections were filed, and the deadline to do so has passed. Accordingly,

1 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 29) is
2 **ACCEPTED and ADOPTED** to the extent that it is not inconsistent with this Order.

3 **IT IS FURTHER ORDERED** that Plaintiff Avnet Inc.'s Motion for Final Judgment and
4 Permanent Injunction by Default (ECF No. 25) is **GRANTED in part** and **DENIED in part**.

5 **IT IS FURTHER ORDERED** that Plaintiff be awarded statutory damages in the amount
6 of \$25,000.

7 **IT IS FURTHER ORDERED** that a permanent injunction be entered pursuant to 15
8 U.S.C. § 1116 enjoining Defendant and its officers, agents, servants, employees, attorneys, and
9 all persons, corporations, business entities, and other associations of persons who are in active
10 concert or participation with Defendant, are hereby permanently enjoined and restrained from,
11 directly or indirectly: using the Infringing Design, or any other word, words, phrases, symbols,
12 logos, or combination of words or symbols that would create a likelihood of confusion, mistake
13 and/or deception with the AV Design Mark, in commerce in connection with any products or
14 services similar or related to the Avnet Products and Services; and pursuant to 15 U.S.C. § 1118,
15 Defendant and its officers, agents, servants, employees, attorneys, and all persons, corporations,
16 business entities, and other associations of persons who are in active concert or participation
17 with Defendant, are hereby ordered to deliver up to Plaintiff for destruction all materials
18 containing the Infringing Design, or any other word, words, phrases, symbols, logos, or
19 combination of words or symbols, that would create a likelihood of confusion, mistake or
20 deception with the AV Design Mark, in connection with any products or services similar or
21 related to the Avnet Products and Services.

22 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Default Judgment be **DENIED**
23 with respect to attorneys' fees and costs.

24 **IT IS FURTHER ORDERED** that any relief not specifically addressed be **DENIED**.

25 **DATED** this 23rd day of December, 2014.